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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/770,471

02/04/2004

Sang-min Shin

249/403

1363

7590

12/16/2005

LEE & STERBA, P. C.
1101 Wilson Boulevard, Suite 2000
Arlington, VA 22209

EXAMINER

WILSON, ALLAN R

ART UNIT

PAPER NUMBER

2815

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Office Action Summary

Application No.

10/770,471

Applicant(s)

SHIN ET AL.

Examiner

Allan R. Wilson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-15 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 8-11 and 16-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 1205.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7, 12, 13, 15 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0035961 to Natori et al. (“Natori”).

Regarding claims 1 and 12, Natori teaches in figures 2 and 5A-7C a ferroelectric capacitor comprising:

a lower electrode 5, a dielectric layer 6 and an upper electrode layer 7, which are sequentially stacked;

wherein the dielectric layer has a multi-layer structure including a plurality of sequentially stacked ferroelectric films 310, 320, and wherein two adjacent ferroelectric films have different compositions sequentially stacked (Natori teaches in paragraphs 224-226 that if the main liquid layer 312 for manufacturing a ferroelectric is SBT-based, a BiGeO-based material can be used for the secondary liquid layer 322 which form primary crystal layers 310 and 320).

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Regarding claims 4 and 6, Natori teaches that the capacitor comprises three ferroelectric films 310, 320, 330 which are sequentially stacked (see fig. 6C).

Regarding claims 5, 7 and 13, Natori discloses in paragraph 284 the thickness of the ferroelectric films was 50 nm.

Regarding claim 20, Natori discloses in paragraph 247-249 the upper electrode 7 and the lower electrode 5 are formed of a single layer of metal or a conductive oxide (iridium-based and tungsten respectively).

Regarding claims 21 and 22, Natori disclose in paragraph 249 the upper electrode 7 metal is iridium-based (Ir, IrO₂).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 14, 15 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natori in view of U.S. Patent No. 6,229,166 to Kim et al. ("Kim"). As discussed above, Natori teaches a ferroelectric capacitor having stacked ferroelectric layers wherein adjacent layers are either different compositions.

Natori does not expressly teach the remaining claim limitations which are drawn to "an interlayer deposited in a position selected from the group of between the lower electrode and the dielectric layer and between the upper electrode and the dielectric layer, and both between the

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lower electrode and the dielectric layer and the upper electrode and the dielectric layer.”

Regarding claims 2, 3 and 23-25, Kim teaches that the electrodes may be Pt, Ir, IrO₂, RuO₂ or a stack of any of those (col. 6, lines 31-35). The motivation for doing so is that using the materials taught by Kim is merely a substitution of equivalents which are known for the same purpose.

Kim teaches a ferroelectric capacitor wherein the electrodes may be formed of be Pt, Ir, IrO₂, RuO₂ or a stack of any of those (col. 6, lines 31-35). Natori and Kim are combinable because they are from the same field of endeavor. At the time of the invention it would have been obvious to a person of ordinary skill in the art to form the device of Natori having an additional layer of electrode material as taught by Kim. The motivation for doing so is that using the materials taught by Kim is merely a substitution of equivalents which are known for the same purpose. Therefore, it would have been obvious to combine Natori and Kim to obtain the invention of claims 2, 3, and 23-25.

Regarding claim 15, Natori discloses in paragraph 284 the thickness of the ferroelectric films was 50 nm.

Allowable Subject Matter

Claims 8-11 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from an examiner should be directed to Primary Examiner Allan Wilson whose telephone number is (571) 272-1738. Examiner Wilson can normally be reached 7:00-4:00 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'A. Wilson', with a long, sweeping horizontal line extending to the right.

Allan R. Wilson
Primary Examiner
December 14, 2005